



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,004	09/11/2003	Dana Pavel	042933/267066	5937
826	7590	07/19/2006	EXAMINER CHERRY, STEPHEN J	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,004

Applicant(s)

PAVEL

Examiner

Stephen J. Cherry

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9-11-2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 and 19-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims merely recite the manipulation of measured data and do not produce a tangible result.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 and 18-25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,510,381 to Grounds et al.

Regarding claim 1, Grounds teaches a method of obtaining a terminal location comprising: defining at least one connection of the terminal ('381, fig. 1, "wireless connection"); monitoring the terminal for establishment of a defined connection, the defined connection being established by the terminal ('381, fig. 3, ref. 310); monitoring the terminal for termination of the defined connection after the defined connection is established such that termination of the defined connection triggers obtaining a location of the terminal ('381, fig. 3, 320), wherein the monitoring steps are performed at the terminal such that termination of the defined connection triggers the terminal to obtain the location of the terminal ('381, fig. 3, 320, 330, and col. 5, line 55).

Regarding claim 2, and in view of the rejection of claim 1 described above, Grounds teaches a method according to Claim 1, wherein defining at least one connection comprises defining at least one communication connection between the terminal and a predefined entity ('381, fig. 2, connection from 110 to 210).

Regarding claim 3, and in view of the rejection of claim 1 described above, Grounds teaches a method according to Claim 1, wherein defining at least one connection comprises defining at least one logical connection each of which includes a context specifying termination of the respective logical connection, and wherein monitoring the terminal for termination of a defined connection comprises monitoring the terminal for the context specifying termination of the respective logical connection ('381, fig. 3, ref 310 and 320, and col. 5, line 55).

Regarding claim 4, and in view of the rejection of claim 3 described above, Grounds teaches method according to Claim 3, wherein the context specifying

Art Unit: 2863

termination of the respective logical connection can be determined based upon information indicative of the context, and wherein monitoring the terminal for termination of the defined connection comprises monitoring for the information indicative of the context ('381, fig. 3, ref 310, 320, FFLAG, and col. 5, line 55).

Regarding claim 5, and in view of the rejection of claim 1 described above, Grounds teaches a method according to Claim 1 further comprising: transforming the location of the terminal to thereby define the terminal in a predetermined manner, and thereafter presenting the location of the terminal in the predetermined manner ('381, fig. 2, position information defined by 10 for display at 250-254).

Regarding claim 1, and in view of the rejection of claim 1 described above, Grounds teaches a method according to Claim 1, wherein monitoring the terminal for establishment of a defined connection comprises monitoring the terminal for establishment of a defined connection such that establishment of the defined connection triggers obtaining a location of the terminal ('381, fig. 3, ref. 300 and 360).

Regarding claim 7, Grounds teaches a system comprising: a terminal capable of establishing, and thereafter terminating, at least one defined connection, wherein the terminal is capable of being triggered to obtain a location of the terminal upon termination of a defined connection ('381, fig. 1 and fig. 3, ref 320); and a location provider capable of determining the location of the terminal upon termination of the defined connection, and thereafter providing the location to the terminal ('381, fig. 1, ref. 10).

Regarding claim 8, and in view of the rejection of claim 7 described above, Grounds teaches a system according to Claim 7, wherein the terminal is capable of establishing, and thereafter terminating, at least one defined communication connection between the terminal and a predefined entity ('381, fig. 1, ref. 5, and fig. 3, ref. 300 and 320).

Regarding claim 9, and in view of the rejection of claim 7 described above, Grounds teaches a system according to Claim 7, wherein the terminal is capable of establishing, and thereafter terminating, at least one defined logical connection each of which includes a context specifying termination of the respective logical connection, and wherein the terminal is capable of monitoring the terminal for termination of the defined connection by monitoring the terminal for the context specifying termination of the respective logical connection ('381, fig. 3, ref 310, 320, FFLAG, and col. 5, line 55).

Regarding claim 10, and in view of the rejection of claim 9 described above, Grounds teaches a system according to Claim 9, wherein the terminal can determine the context specifying termination of the respective logical connection based upon information indicative of the context, and wherein the terminal is capable of monitoring the terminal for termination of the defined connection by monitoring for the information indicative of the context ('381, fig. 3, ref 310, 320, FFLAG, and col. 5, line 55).

Regarding claim 11, and in view of the rejection of claim 8 described above, Grounds teaches a system according to Claim 8 further comprising: a mapping processor capable of communicating with the location provider to transform the location of the terminal to thereby define the terminal in a predetermined manner such that the

Art Unit: 2863

location of the terminal can be presented in the predetermined manner ('381, fig. 1, ref. 60).

Regarding claim 12, and in view of the rejection of claim 7 described above, Grounds teaches a system according to Claim 7, wherein the terminal is capable of being triggered to obtain a location of the terminal upon establishment of a defined connection ('381, fig. 3, ref. 310).

Regarding claim 13, Grounds teaches a terminal comprising: a controller capable of establishing, and thereafter terminating, at least one defined connection, wherein the controller is capable of monitoring the terminal for establishment of a defined connection, and for subsequent termination of the defined connection, and wherein the controller is capable of being triggered to obtain a location of the terminal upon termination of the defined connection (381, fig. 1, ref. 5, and fig. 3).

Regarding claim 14, and in view of the rejection of claim 13 described above, Grounds teaches a terminal according to Claim 13, wherein the controller is capable of establishing, and thereafter terminating, at least one defined communication connection between the terminal and a predefined entity ('381, fig. 3, ref. 310 and 320).

Regarding claim 15, and in view of the rejection of claim 13 described above, Grounds teaches a terminal according to Claim 13, wherein the controller is capable of establishing, and thereafter terminating, at least one defined logical connection each of which includes a context specifying termination of the respective logical connection, and wherein the controller is capable of monitoring the terminal for termination of the defined

Art Unit: 2863

connection by monitoring the terminal for the context specifying termination of the respective logical connection ('381, fig. 3, ref 310, 320, FFLAG, and col. 5, line 55).

Regarding claim 16, and in view of the rejection of claim 15 described above, Grounds teaches a terminal according to Claim 15, wherein the controller can determine the context specifying termination of the respective logical connection based upon information indicative of the context, and wherein the controller is capable of monitoring the terminal for termination of the defined connection by monitoring for the information indicative of the context ('381, fig. 3, ref 310, 320, FFLAG, and col. 5, line 55).

Regarding claim 18, and in view of the rejection of claim 13 described above, Grounds teaches a terminal according to Claim 13, wherein the controller is capable of being triggered to obtain a location of the terminal upon establishment of the defined connection ('381, fig. 3, 310).

Regarding claim 19, Grounds teaches a computer program product for obtaining a terminal location, the computer program product comprising a computer-readable storage medium having computer-readable program code portions stored therein, the computer-readable program code portions comprising: a first executable portion for receiving at least one defined connection of the terminal ('381, fig. 3, "wireless connection"); a second executable portion for monitoring the terminal for establishment of a defined connection the defined connection being established by the terminal ('381, fig. 3, ref. 310); a third executable portion for monitoring the terminal for termination of the defined connection after the defined connection is established such that termination

of the defined connection triggers obtaining a location of the terminal ('381, fig. 3, 320, 330, and col. 5, line 55).

Regarding claim 20, and in view of the rejection of claim 19 described above, Grounds teaches a computer program product according to Claim 19, wherein the first executable portion is adapted to receive at least one defined communication connection between the terminal and a predefined entity ('381, fig. 1, 3 connected to 1-2).

Regarding claim 21, and in view of the rejection of claim 19 described above, Grounds teaches a computer program product according to Claim 19, wherein the first executable portion is adapted to receive at least one defined logical connection each of which includes a context specifying termination of the respective logical connection, and wherein the third executable portion is adapted to monitor the terminal for the context specifying termination of the respective logical connection ('381, fig. 3, ref 310, 320, FFLAG, and col. 5, line 55).

Regarding claim 22, and in view of the rejection of claim 21 described above, Grounds teaches a computer program product according to Claim 21, wherein the context specifying termination of the respective logical connection can be determined based upon information indicative of the context, and wherein the third executable portion is adapted to monitor for the information indicative of the context ('381, fig. 3, ref 310, 320, FFLAG, and col. 5, line 55).

Regarding claim 23, and in view of the rejection of claim 19 described above, Grounds teaches a computer program product according to Claim 19 further comprising: a fourth executable portion for transforming the location of the terminal to

Art Unit: 2863

thereby define the terminal in a predetermined manner such that the location of the terminal can thereafter be presented in the predetermined manner ('381, fig. 3, ref. 360).

Regarding claim 24, and in view of the rejection of claim 19 described above, Grounds teaches a computer program product according to Claim 19, wherein the second executable portion is adapted to monitor the terminal for establishment of a defined connection such that establishment of the defined connection triggers obtaining a location of the terminal ('381, fig. 3, 320).

Regarding claim 25, and in view of the rejection of claim 1 described above, Grounds teaches a method according to Claim 1, wherein the defining and monitoring steps include defining at least one short-range connection of the terminal, and monitoring the terminal for establishment and termination of the short-range connection, at least one short-range connection being selected from the group consisting of an infrared connection, a radio frequency identification connection and a Bluetooth connection (381, fig. 5, Bluetooth).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,035,381 to Grounds in view of U.S. Patent 5,345,388 to Kashiwazaki.

The claim recites, as disclosed by Grounds.

a controller capable of establishing, and thereafter terminating, at least one defined connection, wherein the controller is capable of monitoring the terminal for establishment of a defined connection, and for subsequent termination of the defined connection, and wherein the controller is capable of being triggered to obtain a location of the terminal upon termination of the defined connection (381, fig. 1, ref. 5, and fig. 3).

Grounds does not explicitly disclose a display displaying location.

The claim further recites, as disclosed by Graham:

a display capable of presenting the location of the terminal in the predetermined manner ('388, col. 10, line 7).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the display of Kashiwazaki with the invention of Grounds to allow the user of a wireless phone to know their position to support driving of an automobile ('388, col. 1, line 6)

Response to Arguments

Applicant's arguments filed 4-18-2006 have been fully considered but they are not persuasive. Applicant argues that Grounds does not teach a trigger for a device to obtain its location upon termination of communication; however, this is explicitly shown

Art Unit: 2863

in figure 3 of the Grounds patent. Specifically, figure 3 depicts a loop with multiple paths. Beginning at column 4, line 59, Grounds discloses a system that transmits data when communications are available. Upon detection that communication is not available, branch 320 triggers EEPROM 330 to obtain and store its location. This is considered a trigger because the loss of communication results in obtaining the location information by the EEPROM.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJC



MICHAEL NGHIEM
PRIMARY EXAMINER